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CORRECTIONAL OFFICERS, STEP OFF THE TREADMILL OF POWER:

The Lack of Moral Authority in U.S. Correctional Officers

Kavida Naidu

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Abstract

The abuse of authority and power is commonly encountered in different institutions. Similarly, prisons are not immune to the overuse of authority and power. Correctional officers exercise their authority on inmates in ways that result in a prison culture, which is filled with violence and dehumanization. Correctional officers often consider inmates as morally inferior beings, who deserve to be punished beyond sentence, for the crimes that they have committed are inexcusable. However, the abrasive environment of prisons places correctional officers in a situation where they eventually adopt the prison identity and find themselves trapped in this brutish incarcerated culture. This paper argues that the coercive working condition in U.S. prisons leads correctional officers to, not only behave in a coercive manner toward inmates, but also to dehumanize inmates in atrocious ways which violate fundamental human rights, authority and morality. Moral authority is crucial in the process of inmates’ rehabilitation therefore correctional officers in the U.S. should be encouraged to practice moral authority. This paper proceeds to draws upon an important distinction between authority and power, and legitimate authority and moral authority, in order to understand better which is lacking in U.S. prisons, in addition to an analysis of correctional officer–inmate relationship. Finally, this paper concludes that it is the structure of prisons that causes a significant lack of moral authority, but also, instigates not only an abuse of authority, but also a flawed understanding of authority itself.

Keywords: moral authority, authority, power, correctional officers, prison, inmates, legitimate authority, moral identity, coercive, inequality, cruelty, human dignity, dehumanization, violence, force, autonomy.
“The system here is rigid, strict, and hopeless solitary confinement. I believe it, in its effects, to be cruel and wrong. In its intention, I am well convinced that it is kind, humane, and meant for reformation; but I am persuaded that those who devised this system of Prison Discipline, and those benevolent gentlemen who carry it into execution, do not know what it is that they are doing.” – Charles Dickens, during his visit to the Eastern Penitentiary in Philadelphia, Pennsylvania.

Moral authority is fundamental in preserving the rehabilitative role of prison. However, in the United States’ penal system, moral authority is absent, both in its prisons and in correctional officers who supervise inmates. The United States has been caging inmates in mass for many years now. This culture and practice of incarceration also breeds abuse. Multiple Human Rights organizations such as American Civil Liberties Union (ACLU), Stop Prison Abuse Now (SPAN), Amnesty International USA and Human Rights Watch (HRW) have all reported the serious abuse of inmates that is happening in various prisons across the nation. A survey conducted by the Bureau of Justice, shows that these abuses have indeed taken place in several prisons across the U.S. Texas, Florida, California and New York are among the states that have the most abuse cases reported by inmates. Coercive correctional officers are responsible for these abuses, which mostly are in the form of sexual abuses. I will use the term “coercive correctional officers” throughout this paper because there are correctional officers who treat inmates with respect in other states such as Montana, Oregon and Chicago who provide intensive programs of rehabilitation to their inmates. Unfortunately, in many states, the conditions in which inmates are incarcerated are not only detrimental to their health and safety, but also, to their dignity and moral autonomy. This paper will first examine the


difference between legitimate authority and moral authority. Second, address the question of “Why do U.S. correctional officers have legitimate authority only?” Third, analyze what it looks like to have moral authority in prison and address why U.S. correctional officers do not have moral authority. Finally, I contend that individuals identify with their jobs to the extent of leaving aside their own moral identity.

Before going further, a definition of moral authority must first be established. In order to keep authority relevant to the context of this paper, I will ground my definition of moral authority in Hannah Arendt’s understanding of authority. Because authority implies obedience, authority is therefore often mistaken for power or violence. However, authority itself is not any form of power or violence. As Arendt maintains, authority strictly prohibits any use of coercion because “… where force is used, authority itself has failed.” Applying this to our context of coercive correctional officers in U.S. prisons who continuously abuse inmates, we can clearly observe that the authority of coercive correctional officers often fail to stand, and this is why we often see prisoners revolting against their correctional officers by attempting to physically attack them.

Two important questions that must be addressed now are firstly, what is a correctional officer’s role and duty? Secondly, where do correctional officers obtain authority? As established by the United States’ law, a correctional officer is considered the voice of authority in prison and his duty is to maintain a peaceful and safe prison environment, and help in the rehabilitation of inmates. The authority and power vested in correctional officers come from the U.S. legislative bodies or U.S. courts. Correctional officers are thus attributed legitimate authority, with the purpose of upholding human dignity in prisons. However, correctional officers tend to abuse the authority given to them, and instead of fulfilling their duties,

4Hannah Arendt, “What is Authority?” In Between Past and Future. 92.: The Viking Press, n.d.
correctional officers mistreat inmates in the most degrading ways, ripping prisoners of their respect as humans. From what can be observed here, it is important to underline that correctional officers have legitimate authority only, an authority which is clearly distinct from moral authority. Legitimate authority means that an individual has the right to rule and dictate to other individuals who are obligated to obey, the rules and regulations that are to be followed. In other words, legitimate authority is a way to domesticate the behavior of an individual in a certain environment that requires conformity. If the individual refuses to obey, sanctions, for example, are used to force the individual to obey. Therefore, legitimate authority is coercive in nature. Moral authority, on the other hand, is not coercive. Moral authority gives an individual the right and freedom to choose on his or her own whether to obey or not because the individual feels that it is the right thing to do. Therefore, a moral authority figure recognizes the human value of the other and thus does not use coercion in any way to command. What causes coercive U.S. correctional officers to abuse their authority? Arendt argues that power and authority are distinct and power should not be confused for authority. In the case of coercive correctional officers, it is therefore, a flawed misunderstanding of power for authority that leads them to think that having authority gives them the right to use coercion whenever inmates refuse to obey.

In order to understand how coercive correctional officers misunderstand power for authority, an examination of power then becomes necessary. I will define power, as the ability to influence an individual’s decision and action in such a way the individual will eventually do what you want or do what he or she would not have done. In order to elaborate further on my examination of power, I will use Steven Lukes’ understanding of power.⁵ Lukes explains that, there is a notion of “bringing about consequences” that is central to the idea of power. This notion has to do with securing compliance, according to Lukes. How does compliance become

secure then? This is where the use of coercion comes into play. In order to make people comply, an individual who is in power will use coercion to do so because the individual understands his or her power as authority in this instance. Another way for people to comply is when they choose on their own to comply to another individual. In the case where people choose to comply with another individual, there is a will on the people’s part where they choose to consider the other as legitimate or right. Here then, it can be said that this is authority. But in a case where people refuse to comply, but are forced to do so instead, it becomes power.

Power is therefore often mistaken to be legitimate or right, and I maintain that authority is what gives power its legitimacy. Therefore, authority is the legitimate use of power. This is because individuals, on their own accord, accept and obey orders that are given to them because they believe that the authority figure is legitimate, and thus to comply to the orders is the right thing to do. On the other hand, power implies the use of coercion. In other words, the powerful person will force others into an action often by using violent threats. Because the people are rob of their right to choose if they want to obey or not, but are coerced into obeying, this sort of command then is considered as immoral. The correctional officer considers his authority as power: the power to deprive the inmate of his dignity. This is therefore extremely problematic because the correctional officer thinks that by coercing the inmate, he is exercising his authority in the right way. The inmate in the process ultimately finds himself or herself empty and reduced to less than human, in the sense that his or her humanity is not recognized at all. This poses a serious threat to the inmate’s rehabilitation. An unhealthy prison environment, in which an inmate cannot rehabilitate himself or herself, and instead, is being abused and reduced to less than a human being only breeds further immorality in the inmate. By misunderstanding power for authority, correctional officers end up coercing and mistreating inmates. This results in a violation of duty, and the abuse of authority and power, on behalf of correctional officers.
Now that I have elaborated on the distinction between authority and power, let us look at how a coercive correctional officer in a U.S. prison sees an inmate. A coercive correctional officer usually sees an inmate, whether it is a male or female inmate who is incarcerated in low-level security or maximum security, as an immoral being that is no more worthy of respect or dignity. This judgmental perception of the coercive correctional officer then impacts how he will treat the inmate. Because the coercive correctional officer believes that the inmate does not deserve to be treated with respect, and has no right to ask to be treated respectfully, the coercive correctional officer then strongly believes that the right thing for him to do is to give the inmate what he or she deserves, in other words, a violent treatment or simply torture. By beating up or abusing the inmate, the correctional officer does not think that morally he is doing the wrong thing because to him, the inmate is not a moral person to begin with and therefore, does not see why the inmate should be treated in a moral way. This is because the coercive correctional officer has no awareness or knowledge of morality and therefore is unaware of the wrong that he is doing to the inmate. The correctional officer has no concept of morality due to the coercive nature of his authority. Now, one may object and say that even legally, the abuse of an inmate is unacceptable therefore, how can the correctional officer not know that legally, he could face serious consequences for his actions? To which I will respond that a coercive correctional officer is indeed well aware that he can face legal sanctions, if he is reported by the inmate and indeed found to be guilty of the abuse. However, what often tends to happen in a case like this is that the inmate who was abused by a correctional officer will be hesitant in reporting the abuse because of fear of the correctional officer or simply because the inmate thinks that no one will believe him or her.

Correctional officers are authoritative only towards inmates, but they themselves are subjected to another authority. They are not completely left with full autonomy and control.
Superintendents and courts are responsible for the supervision of those correctional officers. Let me illustrate what happens when a coercive correctional officer has sexually abused an inmate. The Department of Justice, under the *Prison Rape Elimination Act of 2003* does not condone any act of sexual abuse against inmates from any prison staff. When a prison staff sexually abuses an inmate, it is considered as a serious crime and the case is thoroughly investigated. When an inmate reports a correctional officer or prison staff for sexual abuse, the Department’s Office of the Inspector General (OIG) investigates the allegation. When the OIG complete their investigation, and found the allegation of sexual abuse to be true, they either, submit the case to the U.S. Attorney in the district or state where the allegation was originally reported or occurred, refer the case to the DOJ Civil Rights Division or the DOJ Public Integrity Section for prosecution. However, things do not always go smoothly when an inmate reports a prison staff for sexual abuse, and here is why correctional officers who abuse inmates often get away with it. Investigators of the OIG have admitted that it is often hard to come to a conclusion about what truly happened. Because of this, the case then takes a long time to be solved. Additionally, an inmate who has been sexually abused tend to delay reporting the incident as he or she refuses “to be isolated in the “special housing unit and transferred to another prison.” As a result of this, important details and physical evidence that are essential to the investigation are lost. There is also the danger of exposing the inmate to more abuse when attempting to develop stronger evidence. Due to these reasons, coercive correctional

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8 Ibid.
officers then are able to dodge legal sanctions after abusing inmates. But what causes U.S. correctional officers to act in a coercive way toward inmates?

I have stated previously that the working conditions of an individual can impact on his or her moral identity. Moral identity is when an individual perceives morality as central to his or her own identity. In other words, a person who has a moral identity will act in a way that morally complies with his or her moral values, beliefs or principles. The Stanford Prison Experiment,\(^9\) conducted by Professor Zimbardo in 1971 showed that people react and act according to the specific situation they are in, instead of referring to their own morals. In the case if the correctional officers, the prison is a controlled and tensed environment that monitors closely every single act of the people occupying that space. In order to understand better how an individual identifies with his or her working environment, rather than his or her own being, an illustration of the Stanford Experiment is important.

Zimbardo wanted to find out whether the brutality of the prison guards and inmates were because of the personalities of the guards and inmates conflicting with each other, or was it because of the prison environment that they were all in. Thus, he performed this experiment to study the roles and behavior of people in prison situations. In order to carry out his experiment, Zimbardo simulated a prison environment by turning the basement of Stanford University’s psychology building into a real-life prison, including a solitary confinement cell. He then asked for volunteers to help him in his experiment and more than 70 people responded to his request. The participants went through a number of interviews and personality tests, in order to eliminate those who had psychological issues, medical disabilities, or any criminal or drug abuse history. After the elimination process, 24 male college students were chosen (and

paid) out of 75 volunteers to partake in the experiment. The participants were then randomly assigned the role of the guard or the prisoner. There were eleven guards and ten prisoners. The guards worked on an 8-hour shift and in sets of three people, while the prisoners were put inside a room in three, as well. The participants who were assigned the role of the prisoners were treated like real-life criminals, i.e. they were arrested at their own homes, not given any warnings and taken to their local police stations. At the police station, their fingerprints and photographs were taken, and put in the criminal record book. Then the prisoners were blindfolded and taken to the basement (transformed into a prison) at Stanford University.

Once the prisoners arrived at the prison, they were stripped naked, as in a real-life prison, had all their personal belongings seized, and were given prison uniforms to wear, and had a locked chain around their ankle. They were not called by their names, but by their numbers, instead, and they were not allowed to call any other fellow inmates by their names, but had to refer to their numbers, as well. The guards wore uniforms, had a whistle around their necks and carried a baton, just like police officers. They also wore sunglasses so as to avoid eye contact with the prisoners. An interesting part of Zimbardo’s prison simulation is that the guards were told to do whatever they thought would be best to maintain order in the prison and command the prisoners’ respect. However, physical violence was prohibited. Zimbardo then observed the behavior of both guards and prisoners, while acting as a warden himself. What Zimbardo observed was that soon, the prisoners and guards all adjusted well to their roles. The guards blew their whistles to wake up inmates, dehumanized and harassed the prisoners by insulting them and making them do push-ups, while standing on their backs. Soon enough, on the second day of the experiment, a revolt broke. The prisoners started to revolt against the guards, but the guards managed to end the revolt, placing the prisoners who were leading the revolt in solitary confinement cells. Here, Zimbardo observed a drastic change in the relationship between the guards and the prisoners. The prisoners became more submissive
toward the guards, and the guards became more aggressive toward the prisoners. Zimbardo was heavily critiqued for his lack of morality in the prison, and at the end of the experiment, he realized that he was thinking like a prison warden, instead of a psychologist professor.

The Stanford Prison Experiment’s findings showed that people’s behavior change once they are placed into a situation where they can dominate. They will conform to the social roles that they are assigned and the environment, which they are in shapes their behavior. This experiment conducted by Zimbardo remains relevant to what is currently happening in most prisons across the U.S. today. It is important to note that correctional officers have no law enforcement authority outside of prisons. This could lead correctional officers to be harsher within the area that they are allowed to have and use legitimate authority. Now, one may argue that correctional officers’ have a tough job, and often risk their lives to maintain order among those inmates. They are also themselves abused by inmates, who physically attempt to attack them or insult them. Additionally, correctional officers work long hours and are underpaid therefore they should not be so harshly called out. I recognize that the working conditions of correctional officers are not the most desirable, however, I would argue that correctional officers have been trained and already warned by law enforcement officials of the conditions that they will be working in. The cruelty that they display toward inmates cannot be justified by saying that the conditions in which they have to work make them as such. This leads to us to notice that the value of the person as a human, whether the person is a correctional officer or a prisoner, is not being respectfully treated, as it should.

In order to explore the cruelty of correctional officers toward inmates, I propose to consider Philip Hallie’s understanding of cruelty. He argues that an inequality of power is what lies at the core of cruelty. For Hallie, cruelty “involves the maiming of a person’s dignity, the
crushing of a person’s self-respect.” Indeed, when we look at the way in which inmates are mistreated by coercive correctional officers, we see the human dignity and self-respect of the inmates destroyed. The inmates are humiliated constantly, and are not given any human sympathy or consideration. Hallie says that humans believe in hierarchies, regardless of how much we are or are not skeptical about human value. Where there is authority, we find hierarchy. This is because we, humans feel the need to be higher than others, in order to live our life as respectful beings. If we do not feel higher than something less than us, then we become injured as our lives become impacted, as well. Hallie claims, “And when our lives are so maimed, we become things, slaves, instruments.” He holds that this type of thinking occurs to victimizers in institutionalized cruelty. The victimizers feel that they are superior and because of this, they feel like they deserve to control those who are lower than them. Cruelty is therefore an unequal relationship of power where the majority is the victimizer and the minority is the victim. In the case of correctional officers, they are the victimizers while the prisoners are the victims. The cruelty that correctional officers inflict upon inmates is not something that can be easily removed or forgotten, even after the inmates are released from this relationship of power imbalance. The reason for this is because the pain that comes with cruelty stays with the inmates for life. Inmates will remember all the times when they were persecuted and humiliated by correctional officers at any moment in their lives. Pain is not something that can be easily disregarded emotionally, and because pain is so closely attached to cruelty there is no escape from it for the inmates. What Hallie calls institutionalized cruelty is related to our institutions. Prisons are institutions, and therefore the cruelty that correctional officers demonstrate can be called institutionalized cruelty. The cruelty is built into the

11 Ibid.
12 Ibid. 88.
13 Ibid.
institution, i.e., in this case, the prisons, and it threatens the dignity of the inmates while preventing them from making decisions consensually. Moreover, the inequality that exists in the relationship between a correctional officer and an inmate cannot be taken lightly. The concept of authority places us in a state of hierarchy, and because of this hierarchy then we intentionally create an unequal condition for people to live in relation to us. I say intentional because we are well aware that the system of hierarchy means that every one will not be treated equally or in the same way. Therefore it seems that when authority is in place, equality cannot be fully maintained, for the presence of authority implies the duty of obeying, regardless of whether or not you are at the bottom of the hierarchy. Inmates thus cannot place themselves in an equal relationship with correctional officers because the crimes that they have committed restrict them to remain in their position of criminals or immoral agents. However, the inequality in relationship between the two does not imply a denial of respect or moral treatment. A correctional officer is not only a representation of what is socially and lawfully acceptable, but also, what is morally right. Therefore the inequality in relationship should not be used as means to dominate or humiliate the inmate.

Much has been said on the humiliation of inmates as their dignity is crushed and humanity taken away from them. But one thing that remains to be discussed is the relationship of moral authority to autonomy. Can inmates maintain their autonomy when they are incarcerated? Legitimate authority can damage freedom as we have seen so far in this paper. Specifically, in the case of prisoners, their autonomy, legally speaking, is completely removed from them once they are in prisons. The conditions structured in prisons are such that they do not allow them to do anything by their own will. They are entirely dependent on the correctional officers to eat, sleep, wake up, receive visits and go outside their cells, and we must keep in mind that inmates who are placed in maximum security or supermax prisons are barely allowed to go out of their cells or have any human contact. The living condition in a prison is structured such that
inmates are confined and isolated from the community without the possibility of social interaction, apart from fellow inmates or prison staff. Additionally, inmates’ legal autonomy is seriously limited, as they have lost their right to be autonomous in the eyes of the law, due to their criminal offenses. Morally speaking, the inmates still have their authority even though they are incarcerated because they remain moral beings in the eyes of moral authority. However, because of the absence of moral authority in coercive correctional officers, inmates’ autonomy is disregarded. The autonomy of inmates then is only understood as physical autonomy. In other words, inmates’ ability to think morally or distinguish between right and wrong is dismissed and unrecognized by coercive correctional officers.

The autonomy that the correctional officer has vis-à-vis the inmate becomes highly problematic when the correctional uses this autonomy to threaten the human dignity of the inmate. Kant stated that no humans should be treated, as a means to an end, for humans are an end, and should therefore be treated as such. For Kant, this is the law of morality. But when we examine how inmates are mistreated and reduced to animals by correctional officers, we see that inmates are thus being treated as a means to an end. The moral authority of correctional officers becomes once again questionable as to whether they are truly upholding morality or not. In order to understand why Kant said to never treat humans as means, but only as an end, we must understand what Kant meant by this claim. According to Kant, humans occupy a special place, in relation to things, in the sense that we have value and assign value. For example, we value our desires and goals and we assign value to people in our lives, as well as objects such as our house or car.

In comparison to humans then, because humans assign things value, things have value only as means to an end. In addition, we, humans have dignity because we are rational beings, capable of reasoning and making our own decisions, unlike animals and objects. For Kant, the moral law involves reason therefore we, humans are a representation of moral law.
Furthermore, Kant maintains that in order for moral good to exist, humans must act from a sense of duty. Because human’s worth includes the ability to assign value to things, and make conscious acts moral, humans must be treated always as an end. For Kant we, as human beings, hold the value to life, dignity and self-respect. This notion of Kant then implies that we possess compassion toward others and we must thus always encourage and promote the welfare of other humans. In order to do so, it is absolutely fundamental that we respect others’ rights, and we should not manipulate or harm each other in any way.

But when we look at correctional officers’ treatment of inmate, we do not see Kant’s notion of respect and human dignity. Correctional officers use inmates as their means to their end. They essentially fail to recognize the human dignity of inmates, they violate the inmates’ rights, and they do not hesitate to beat up or insult inmates. All the atrocities that correctional officers perform on inmates, and the ways in which they torture inmates go against this universal principle of morality that Kant established. Thus in no way can it be said that correctional officers have moral authority. But why would correctional officers use inmates as their means to their end? And what goal do they have that inmates can help them in fulfilling? As I mentioned before, correctional officers have no legitimate authority and power outside of prison facilities. Therefore when they are out, they are subjected to legitimate authority and power, it is then the legitimate authority of the legislative body or courts officials, but correctional officers become the ones who have to obey now.

Additionally, correctional officers’ autonomy also becomes limited once they are not on duty inside a prison. We must underline that their autonomy, however, is not taken away or restricted in any way compared to the inmates. But correctional officers’ autonomy is somewhat limited when they are under the legitimate authority of higher law enforcement officers. Correctional officers have the choice of obeying to the legitimate authority or not. In a case where they choose not to, they of course, risk losing their job or being legally punished.
It can be said then that there is a desire on the part of the correctional officer to savor his legitimate authority and autonomy when he gets the chance to. And the way for him to do so is to dominate the inmates. The correctional officers then prey on the vulnerability of inmates to appear authoritative and autonomous. In a sense then correctional officers are also dependent on inmates, for without inmates they would not have this much authority or autonomy. Now, the idea of the inequality of relationship that exists between correctional officer and inmate can therefore be revised. The correctional officer inside the prison has value, for the inmate enables him or her to have this value. Outside the prison, the correctional officer becomes a means to an end himself or herself, as the courts and superintendents expect to maintain order through him or her. In this sense, the relationship that exists between correctional officer and inmate is not so much unequal. It is only when we look at it from an external perspective, as those who have autonomy and morality, that we see it as being unequal.

From this, it can be said that correctional officers are also subjected to a coercive authority outside of their workplace. Their working conditions are such that they have to work long hours, are under paid and are also, in a sense, confined to these prison walls, by having to watch those inmates constantly. In this case, the human value of the correctional officers is also reduced just like when they reduce the human value of inmates. In an instance where both correctional officers’ and inmates’ dignity and self-respect are being persecuted, the cruelty in correctional officers then is bound to become obvious. Moreover, the coercive infrastructure in which correctional officers have to operate in ultimately causes them to act more likely in a coercive and cruel way toward inmates. Correctional officers then leave behind their moral identity and in a way take on the coercive architectural condition of the prison.

In this paper, I have argued that coercive correctional officers identify with the coercive working condition of prisons and therefore do not have any moral authority toward inmates. Furthermore, coercive correctional officers and inmates share an unequal relationship of
power, which can lead to the dehumanization of inmates. Because of the cruelty and coercive attitude that correctional officers display toward inmates, the legitimate authority of correctional officers fails to stand, as authority is not coercive. As I have mentioned, Arendt stated that any use of violence or force is not authority. Hallie claimed that, unfortunately, this institutionalized cruelty could not be easily eliminated, for the pain that comes with it stays with the victim for a long time. Moreover, I have shown, through the illustrative example of the Stanford Prison Experiment how correctional officers’ behavior and prisoners’ behavior both change when they are placed in a certain type of dominating situation. The self-respect and dignity of inmates should be preserved at all cost, even if they are regarded as immoral agents, for the role of prison is to rehabilitate those inmates to lead them back on the path of morality and goodness. Given that the correctional officers are responsible to discipline inmates, and because they are fundamentally a representation of what is morally good in society, their authority should not be only legitimate, but also moral.
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